THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24666 OF 2005

Dated: 31st MARCH, 2006.

Between :

Mulla Mahaboob Sahaib … Petitioner

And

1. The Executive Engineer, Roads & Buildings Department, Proddatur Division, Proddatur, Kadapa District and another. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24666 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents in trying to demolish the shop of the petitioner bearing Door No.9-532 situated on the Jammalamadugu to Mydukur Road without following the procedure and without putting the petitioner on notice as arbitrary and illegal.

While directing 'Notice Before Admission' on 18-11-2005, passed an interim order as under :

> *"Pending further orders, it is directed that in case the structure in question is in the road margin, the respondents shall be entitled to demolish the same, after permitting the petitioner to remove the articles. On the other hand, if it is in the private land of the petitioner, the respondents shall be entitled to proceed against the same, only after issuing notice."*

Though notice is served, no counter-affidavit has been filed on behalf of the 1st respondent.

The learned Standing Counsel for the 2nd respondent Municipality, under instructions, submits that the 2nd respondent Municipality did not undertake the alleged demolitions.

In the circumstances, the Writ Petition is disposed of in terms of the above interim order dated 18-11-2005 and further making it clear that the respondents shall not indulge in demolition of the structures in question without following due process of law. No costs.

G. ROHINI, J.

Dt. 31-3-2006
gbs